

Article 16

Assignment and Transfer

Section 1. Definitions

- A. Vacancy: An unfilled permanent position which the Appointing Authority has determined shall be filled. For purposes of this Article, a permanent vacancy is created when the Employer determines to increase the work force and to fill a new position(s) or when any of the following personnel transactions take place in the Bargaining Unit and the Employer determines to replace the previous incumbent: termination, retirement, promotion, demotion, transfer or reassignment. A position from which an employee has been laid off is not a vacancy.
- B. Transfer: A change of assignment of an employee at the employee's request or initiative.
- C. Assignment: The particular position at or from a particular work location (or work site), as determined by the Employer, (and as applicable) on a scheduled shift, and on an assigned work schedule.
- D. Seniority: Seniority shall be as defined in Article 12, Section 2, except that probationary employees and employees in less-than-satisfactory status shall not be eligible to exercise any seniority rights under this Article.
- E. Reassignment: A permanent change of an employee's assignment by the Employer at the Employer's initiative.
- F. Work Location: For purposes of this Article, work location shall be defined as all the premises of a Department in a County, except that each of the following shall be considered a separate work location:
 - (1) A building or related group of buildings with twenty five (25) or more employees of a Department in the Bargaining Unit.
 - (2) A building or group of buildings which constitutes a facility (or agency) in the Departments of Community Health, Corrections, Education, and the Family Independence Agency.
 - (3) For the purposes of this Article, a work location shall be defined as a Region in the Department of Transportation.
- G. Work Site: Each of the following shall be considered a separate work site:
 - (1) A building within a work location.
 - (2) A field office or regional office/installation in the Department of Transportation.
 - (3) A field, district, or regional office in the Department of Natural Resources.

Section 2. Right of AssignmentSection 2. Right of AssignmentSection 2. Right of Assignment

Except as provided in this Article, the Employer shall have the right and responsibility to assign employees within an agency or work location. The Employer shall have the right to temporarily fill a vacancy until it is filled permanently. In filling a vacancy the Employer shall continue to have the right to assign a qualified employee subject only to the provisions of this Article.

Section 3. Transfer

The Appointing Authority shall establish transfer lists two times per calendar year for permanent vacancies. During the months of January and July an employee shall request transfer by notifying the Appointing Authority in writing, with a copy to the Association, of the work locations to which the employee desires a transfer within his/her current class and level. The list compiled as a result of requests received during the month of January shall become effective February 1 and shall remain in effect through July 31. The list compiled as a result of requests received during the month of July shall become effective August 1 and shall remain in effect through January 31.

An employee shall be able to make himself/herself available for transfer to up to five (5) work locations. If an employee declines a transfer to a work location which he/she had requested, the Appointing Authority may remove the employee from the transfer list for such work location by giving the employee written notice. An employee may at any time remove his/her name from the transfer list for a work location previously designated by written notice to the Appointing Authority.

Transfers within a Department or Agency shall take preference over transfers between Departments or Agencies.

When the Employer plans the opening of a new work site, the Employer shall refer to the transfer list for the work location in which the new work site is located.

Section 4. Filling Vacancies

- A. Procedure: Vacancies must be filled by transfers in accordance with Section 5, prior to the initiation of any reassignments, except for reassignments within a work location, or conduct reassignment.
- B. Transfer Expenses: Employees transferring under the provisions of this Article shall not be eligible for reimbursement of moving or travel expenses.

Section 5. Reassignment and Transfer Procedure

Reassignments and transfers shall be made in accordance with the procedure of this Section, with the exception of reassignments in accordance with Section 4.

- A. Filling Vacancies by Transfer:

- (1) The Employer shall select from the existing transfer roster the most senior person in the same class and level as the vacant position.
- (2) In the event the vacancy is not filled in accordance with paragraph 1 above, the Employer shall fill the vacant position by recall from layoff in accordance with Article 13.
- (3) In the event the vacancy is not filled in accordance with paragraphs 1 or 2 above, the Employer shall advertise the vacancy and notify employees that acceptance of the vacant position shall be considered a transfer and select the most senior person in the same class and level as the vacant position.
- (4) In the event the vacancy is not filled in accordance with paragraphs 1, 2, or 3 above, the Employer may elect to fill the vacancy in a manner of its choosing, including but not limited to promotion, hiring, reassignment, etc.
- (5) Exceptions. The Employer shall not be required to transfer any of the following employees from a transfer list:
 - a. An employee who has received a disciplinary suspension within two years preceding the date of the transfer request or during the period between the application date and the date the employee is considered for transfer;
 - b. An employee who has transferred from the transfer list within the last six (6) months; or,
 - c. An employee who has placed his/her name on the transfer list for the work location from which he/she received a conduct reassignment within the previous two years.

B. Filling Vacancies By Reassignment From Another Work Location:

In the event the Employer chooses to fill a vacancy by reassignment from another work location, the following procedure shall apply:

- (1) The Employer shall identify the work location from which the reassignment will be made.
- (2) The Employer shall seek volunteers from the same class and level as the vacant position.
- (3) In the event the vacancy is not filled in accordance with paragraph 2 above, the Employer shall reassign the least senior employee, at the same class and level as the vacancy, in the following order:
 - a. Part-time employee;
 - b. Seasonal employee;
 - c. Full-time employee.

C. Conduct Reassignment

No employee may be reassigned for reasons of conduct or for disciplinary purposes, except where the employee's continued presence at the work location has the effect of hampering the operational effectiveness of the Employer.

D. Notice To Employees: Except in emergency situations, employees must be given a minimum of ten (10) working days notice prior to the date he/she is required to report to his/her new work location.